

CHAPTER XXXII
LAND DIVISION ORDINANCE
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

SECTION 11.00 DEFINITIONS

11.01 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

11.02 SPECIFIC WORDS AND PHRASES

Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Village and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Village Board or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission, school districts, and local utility companies.

Alley. A public way affording secondary access to abutting properties.

Approving Authorities. Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.

Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets are designated in the Regional Transportation System Plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission.

Block. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and Village, village, or town boundaries.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the Village Zoning Ordinance and the requirements of this Ordinance.

Building Setback Line. See Building Line.

Certified Survey Map. A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four parcels; or used to document for recording purposes survey and dedication data relating to single parcels.

Village Engineer. A registered professional engineer who is a full time employee of the Village, or a consulting engineer who provides resident staff services to the Village, and who is duly appointed by the Village Board to the position.

Collector Street. A street used, or intended to be used, to carry traffic from land access streets to the system of arterial streets, including the principal entrance streets to residential developments.

Common Open Space. See Open Space, Common.

Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Village Board pursuant to Section 62.23 of the Wisconsin Statutes, or a Comprehensive Plan adopted by the Village Board pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and stormwater management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

County Planning Agency. The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

Covenant. A restriction on the use of land, usually set forth in the deed.

Cul-de-sac Street. A local street with only one outlet and having an appropriate turn-about for vehicular traffic.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Development Agreement. An agreement entered into by and between the Village and a subdivider whereby the Village and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Village by the subdivider.

Environmental Corridor. See “Primary Environmental Corridor”, “Secondary Environmental Corridor”, and “Isolated Natural Resource Area”.

Extraterritorial Plat Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth class Village or a village and within three miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all parts of which are equidistant from the boundaries of each municipality, so that not more than one municipality exercises extraterritorial plat approval jurisdiction over any area.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Frontage. The total dimension of a lot abutting a public street measured along the street line.

Frontage Street. A land access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

Isolated Natural Resource Area. An area containing significant remnant natural resources at least five acres in area and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Land Access Street. A street used, or intended to be used, primarily for access to abutting properties.

Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

Landscaping. Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

Letter of Credit. A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Village, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the Village Zoning Ordinance.

Lot, Corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less.

Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard.

Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-

way. Flag lots generally are not considered to conform to sound planning principles.

Minor Land Division. A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

Municipality. An incorporated Village or village.

National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all Federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, *Horizontal and Vertical Survey Control in Southeastern Wisconsin*.

Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Village may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, the Wisconsin Department of Transportation, and the County Planning Agency.

Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities approved by the Village.

Open Space, Common. Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may contain recreational facilities approved by the Village.

Open Space, Public. Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Village.

Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division.

Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Village will generally require that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

Plat. A map prepared, as required by Section 2.02 of this Ordinance, for the purpose of recording a subdivision, minor land division, or condominium.

Prairies. Open, generally treeless areas which are dominated by native grasses, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

Primary Environmental Corridor. A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public street, highway, bicycle or pedestrian way, drainageway, or part thereof.

Replat. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

Reserve Strip. Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.

Secondary Environmental Corridor. A concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, including condominium development, where:

1. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years; or
2. The act of division creates six or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of five years.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Tract. A parcel lying in more than one U. S. Public Land Survey section.

Unit. See condominium unit.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions.

Woodlands. Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.